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 AG.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

**In Re DRAM ANTITRUST  
 LITIGATION**

Master File No. M-02-1486 PJH

MDL. No. 1486

Case No. C-05-02472

This Document Relates to:

*Petro Computer Systems, Inc., et al. v.  
 Micron Technology, Inc., et al.*, Northern  
 District of California, Case No. C 05 02472.

**STIPULATION AND [PROPOSED]  
 ORDER RE: BRIEFING  
 SCHEDULE FOR DEFENDANTS'  
 RESPONSE TO SECOND  
 AMENDED COMPLAINT AND  
 OPPOSITION TO CLASS  
 CERTIFICATION;  
 DECLARATION OF JOSHUA  
 STAMBAUGH**

WHEREAS, the Plaintiffs in the *Petro Computer Systems, Inc.* action ("Plaintiffs") filed a Motion For Leave to File a Second Amended Class Action Complaint (the "SAC") on June 29, 2007 pursuant to the Court's Order Granting in Part and Denying in Part Defendants' Motions For Judgment on the Pleadings, dated June 1, 2007;

WHEREAS, pursuant to its Order dated August 17, 2007, the Court granted Plaintiffs' Motion for Leave to File a SAC.

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WHEREAS, in response to the SAC, the Defendants<sup>1</sup> want to consider whether to file a Motion to Dismiss pursuant to Fed. R. Civ. Proc. 12;

WHEREAS, the parties have agreed to extend the time for the Defendants to respond to the SAC;

WHEREAS, the Plaintiffs filed a Motion for Class Certification on July 10, 2007 pursuant to the Stipulation and Order Regarding Briefing Schedule for Class Certification Motion, entered on July 6, 2007.

WHEREAS, the Plaintiffs filed Amendments Re: Motion for Class Certification on August 24, 2007, which redefines the proposed classes that Plaintiffs seek to certify pursuant to Fed. R. Civ. P. 23, and incorporates certain paragraphs of the SAC into the Motion for Class Certification.

WHEREAS, the parties have agreed to extend the time for the Defendants to file their Opposition to the Motion for Class Certification in light of these recently filed Amendments;

WHEREAS, attached to this Stipulation is a declaration of Joshua Stambaugh setting forth the reasons for the requested enlargement of time, disclosing all previous time modifications, and describing the effect the requested time modification would have on the rest of the schedule in this case pursuant to N.D. Civil Local Rule 6-2.

WHEREAS, concurrence in the filing of this Stipulation has been obtained by each of the signatories below from each of their respective co-parties and co-counsel;

It is hereby stipulated between the Plaintiffs in the *Petro Computer Systems, Inc.* action, on the one hand, and the Defendants on the other, through their respective counsel, that:

1. The Defendants have until, and including October 1, 2007 to respond to the SAC, including the filing of a Motion to Dismiss.

2. If Defendants file a Motion to Dismiss the SAC, Plaintiffs have until, and including October 31, 2007 to file their Opposition brief.

<sup>1</sup> As used herein, "Defendants" refers to all of the named defendants except Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc., Winbond Electronics Corporation, and Winbond Electronics Corporation America, Inc.

3. If Defendants file a Motion to Dismiss the SAC, Defendants have until November 19, 2007 to file any Reply Brief in support of their Motion to Dismiss.

4. The hearing on any Motion to Dismiss the SAC filed by Defendants will be set for December 12, 2007.

5. The Defendants have until, and including, September 28, 2007 to file their Opposition brief to the Motion for Class Certification.

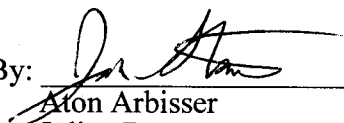
6. The Plaintiffs have until, and including November 9, 2007 to complete discovery of Defendants' class certification experts.

7. The Plaintiffs have until, and including December 17, 2007 to file their Reply brief in support of their Motion for Class Certification.

8. The hearing on the Motion for Class Certification will be held on January 16, 2007.

Dated: August 30, 2007

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Attorneys for Defendant Infineon  
Technologies North America Corp. and  
Infineon Technologies AG

*[On Behalf of all Defendants]*

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Dated: August 30, 2007

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*[Counsel on behalf of the Petro  
Computer Systems, Inc. Plaintiffs]*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 4, 2007

Hon. Phyllis J. Hamilton  
United States District Court  
Northern District of California



## DECLARATION OF JOSHUA STAMBAUGH

1 I, Joshua Stambaugh, hereby declare as follows:

2 1. I am an attorney in the law firm of Kaye Scholer LLP and counsel for defendants  
3 Infineon Technologies AG and Infineon Technologies North America Corp.

4 2. In its Order Granting Leave to File a Second Amended Complaint ("SAC"), dated  
5 August 17, 2007 [document No. 1683], the Court stated that Defendants would have until  
6 September 17, 2007 to file their response to the SAC.

7 3. Pursuant to a prior Stipulation and Order filed by the parties on July 6, 2007  
8 [document No. 1613], the Court Ordered that Defendants Opposition brief to Plaintiffs'  
9 Motion for Class Certification would be due September 7, 2007, the last day for Plaintiffs to  
10 complete discovery of Defendants' class certification experts would be October 5, 2007, the  
11 Plaintiffs' Reply brief would be due November 5, 2007, and the hearing on the Motion for  
12 Class Certification would be due on December 5, 2007.

13 4. On August 29, 2007, a partner in our office, Aton Arbisser, spoke via telephone  
14 with Fran Scarpulla, counsel for the Petro Computer Systems, Inc. Plaintiffs, regarding the  
15 scheduling in this case. On August 30, 2007, I spoke via telephone with Josef Cooper, also  
16 counsel for the Petro Computer System, Inc. Plaintiffs, regarding the scheduling in this case.

17 5. During these telephone conferences, the parties agreed that Defendants should be  
18 given additional time to respond to the SAC Complaint, which was not made a part of the  
19 record until August 17, 2007 pursuant to Court Order. The parties agreed to request a  
20 reasonable time for Defendants to file their response to the SAC, or until October 1, 2007.

21 6. If Defendants file a Motion to Dismiss the SAC, the parties also agreed that, in  
22 light of this modification, it would also be appropriate to request additional time for  
23 Plaintiffs to file their Opposition Brief until October 31, 2007, and for Defendants to file  
24 their Reply Brief in support of their Motion to Dismiss until November 19, 2007.

25 7. In order to accommodate the Court's schedule, and to allow a reasonable time for  
26 preparation of any Motion to Dismiss filed by the Defendants, the parties also agreed that it  
27

1 would be appropriate to request a scheduling of the hearing on the Motion to Dismiss for  
2 December 12, 2007.

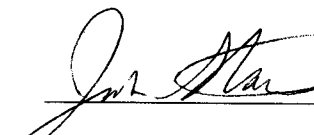
3 8. Also during these telephone conferences, the parties agreed that the Defendants  
4 should be given additional time to file their Opposition brief to the Motion for Class  
5 Certification, because Plaintiffs filed Amendments to their Motion on August 24, 2007, just  
6 fourteen (14) days prior to the current due date for Defendants' Opposition brief. The parties  
7 agreed to request a reasonable time for Defendants to file their Opposition, or until  
8 September 28, 2007. The Parties also agreed that, in light of this modification, it would also  
9 be appropriate to request additional time for Plaintiffs to complete discovery of Defendants'  
10 class certification experts until November 9, 2007, and to file their Reply brief in support of  
11 their Motion for Class Certification until December 17, 2007.

12 9. In order to accommodate the Court's schedule, and to allow a reasonable time for  
13 preparation of the Plaintiffs' Motion for Class Certification, the parties also agreed that it  
14 would be appropriate to request a rescheduling of the hearing on the Motion for Class  
15 Certification to January 16, 2007.

16 10. The requested time modifications included in the Stipulation filed herewith would  
17 have no affect on the schedule for this case other than the dates specifically included in the  
18 Stipulation.

19 I declare under penalty of perjury under the laws of the United States of America that  
20 the above is true and correct.

21 Executed this 30<sup>th</sup> day of August, 2007 at Los Angeles, California

22  
23   
24 Joshua Stambaugh  
25  
26  
27  
28

1 STATE OF CALIFORNIA

2 COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and  
4 not a party to the within action. My business address is 1999 Avenue of the Stars, Suite 1700, Los  
5 Angeles, California 90067.

6 On August 30, 2007, I served the foregoing document described as follows: **STIPULATION  
7 AND [PROPOSED] ORDER RE: BRIEFING SCHEDULE FOR DEFENDANTS' RESPONSE  
8 TO SECOND AMENDED COMPLAINT AND OPPOSITION TO CLASS  
9 CERTIFICATION; DECLARATION OF JOSHUA S. STAMBAUGH**

10 on the interested party in this action by placing a true copy thereof enclosed in a sealed envelope  
11 addressed as follows: **SEE ATTACHED SERVICE LIST**

12 [ ] **BY FACSIMILE** The above-referenced documents (without exhibits and attachments  
13 thereto) were transmitted via facsimile transmission to the addressee(s) as indicated above on  
14 the date thereof. The transmission was reported as completed and without error.

15 [ X ] **ELECTRONIC SERVICE** (SEE SERVICE LIST)

16 [ ] **BY FEDERAL EXPRESS** I am readily familiar with Kaye Scholer LLP's business  
17 practices of collecting and processing items for pickup and next business day delivery by  
18 Federal Express. Under said practices, items to be delivered the next business day are either  
19 picked up by Federal Express or deposited in a box or other facility regularly maintained by  
20 Federal Express in the ordinary course of business on that same day with the cost thereof  
21 billed to Kaye Scholer LLP's account. I placed such sealed envelope for delivery by Federal  
22 Express to the offices of the addressee(s) as above on the date hereof following ordinary  
23 business practices.

24 [ X ] **MAIL** I am readily familiar with the firm's practice of collection and processing  
25 correspondence for mailing. Under that practice it would be deposited with the U.S. postal  
26 service on that same day with postage thereof fully prepaid at Los Angeles, California in the  
27 ordinary course of business. I am aware that on motion of the party served, service is  
28 presumed invalid if postal cancellation date or postage meter date is more than one day after  
date of deposit for mailing in affidavit.

[ ] **BY PERSONAL SERVICE**

\_\_\_\_\_ by personally delivering such envelope to the addressee.

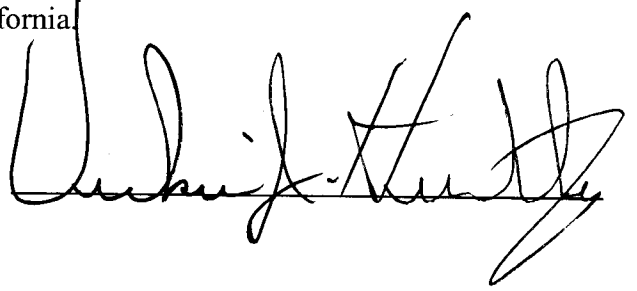
\_\_\_\_\_ by causing such envelope to be delivered by messenger to the office of the addressee.

[ ] **STATE** I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

[ X ] **FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 30, 2007, at Los Angeles, California

Vickie J. Huntley

A handwritten signature in black ink, appearing to read "Vickie J. Huntley", written over a horizontal line.

KAYE SCHOLER LLP



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